UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,273	04/01/2004	Takaya Matsuishi	251215US2	8482

22850   7590   11/12/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
11/12/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

	Application No.	Applicant(s)
Office Action Summary	10/814,273	MATSUISHI, TAKAYA
	Examiner	Art Unit	
	MATTHEW J. LUDWIG	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 August 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,4,10,11,23,51,53,55 and 57</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,4,10,11,23,51,53,55 and 57</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment received 8/4/2009.

2.   Claims 1, 4, 10, 11, 23, 51, 53, 55, and 57, are pending in the application. Claims 1, 11,

23, 51, 53, 55, and 57 are independent claims.

3.   Claims 1-60 rejected under 35 U.S.C. 102(e) as being anticipated by Bayeh have been

withdrawn pursuant to applicant's amendments.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless —
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

5.   **Claims 1, 4, 10, and 51 are rejected under 35 U.S.C. 102(e) as being anticipate by**

Watson et al., USPGPub. 2004/0049574 filed (9/24/2001).

In reference to independent claim 1, Watson teaches:

        '*an all-menu-item information storage unit configured to manage all-menu-item*

information which defines all menu items available for display in the web page; a menu item

identifying an operation that is performed as a result of selecting the menu item'

The reference provides a web server for generating web pages with menu items for presentation

on multiple devices. See page 2, [0046 through 0050].

'an all-menu-item style information storage unit configured to manage all-menu-item
style information which defines style information for all the menu items available for display
in the web page'

The reference provides a style policy table containing a number of fields which define

parameters such as font family, font size, front weight and color of headlines. See page 3, [0062

through 0065].

'a menu-item display information storage unit configured to manage menu-item
display information which defines necessity of display of each of the menu items based on a
device that displays the web page or on a user of the device that displays the web page'

The reference provides a dynamic policy table containing fields allowing code for different

device types to be tailored according to time varying parameters. See page 4, [0066 through

0072]. The components can be used to determine whether or not a given component is to be

rendered when the web page is displayed based upon a user device. See page 5, [0073 through

0079].

'a dynamic menu-item style information creation unit configured to select, from the
all-menu-item style information, style information items corresponding to the menu items, the
necessity of display for which is defined by the menu-item display information, to create
dynamic menu-item style information including the style information items; and'

The reference provides a style policy table containing a number of fields which define

parameters such as font family, font size, front weight and color of headlines. See page 3, [0062

through 0065]. Style information is handled different way depending upon the device and can be

incorporated into the code through the dynamic item style information creation unit.

'*a menu-item information creation unit configured to apply the dynamic menu-item style information to the all-menu-item information to create the menu items to be included in the web page*'

Figure 5A illustrates a typical layout of panes for display on a PC and including panes which respectively include a logo, a large color logo, a site menu, a greeting, first, second and third promotions. A different presentation method is found corresponding to WAP capabilities using WML protocol. See page 5, [0077 through 0085].

In reference to dependent claim 4, Watson teaches:

The reference discloses the utilization of style sheets and XML as a format for web page code. See page 1, 0006 and page 3, [0060 through 0063].

In reference to dependent claim 10, Watson teaches:

The device identification engine operated by the processor extracts from a header of the received request message from a remote user device, information which identifies the device type and outputs a device type id which is input to the code generating engine to enable the set of classes to extract the required information from the policy objects. See page 4, [0070 through 0073].

In reference to claims 51, the claim recites the computer-readable medium including computer executable instructions for performing similar menu item processing steps as disclosed in claim 1. Therefore, the claims are rejected under similar rationale.

In reference to claim 57, the claim recites the system for performing similar menu item processing steps as disclosed within independent claim 1. Therefore, the claims are rejected under similar rationale.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 11, 23, 53, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Watson et al., USPGPub. 2004/0049574 filed (9/24/2001).

In reference to dependent claim 11 and 23, Watson teaches:

        The device identification engine operated by processor extracts from a header of the

received request message from a remote user device, information which identifies the device

type and outputs a device type id, which is input to the code generating engine to enable the set

of classes to extract the required information from the policy objects. See page 5, [0072 through

0074]. The usable functions are suggested based upon a screen size of the device and/or

capabilities of the device as disclosed within the reference. See page 5, [0081 through 0089]. The

reference fails to explicitly state an inquiry transmitted to the client however it would have been

obvious to one of ordinary skill in the art at the time of the invention to have utilized the

information present in the request to provide the capabilities of the device and alleviate the extra

step of sending an inquiry to the device. Utilizing the information found in the request as taught

by Watson would have provided the user one less step in providing similar information to a

processor for content retrieval.

In reference to claims 53, 55, the claims recite the computer-readable medium including

computer executable instructions for performing similar menu item processing steps as disclosed

in claims 11, and 23. Therefore, the claims are rejected under similar rationale.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   **Claim 57 is rejected under 35 U.S.C. 102(b) as being anticipated by Bayeh et al.,**

USPN 6,012,098 filed (2/23/1998).

In reference to independent claim 57, Bayeh teaches:

        '*an all-menu-item information storage unit configured to manage all-menu-item*

information which defines all menu items available for display in the web page'

The reference to Bayeh provides unique data servlets created to retrieve data from a specific type

of database used by the server. See column 8, lines 36-67.

        '*an all-menu-item style information storage unit configured to manage all-menu-item*

style information which defines style information for all the menu items available for display

in the web page'

The reference to Bayeh provides a style information storage unit to manage the data retrieved

through servlets. See column 8, lines 36-67 and column 9, lines 1-56.

'*a menu-item display information storage unit configured to manage menu-item display information which defines necessity of display of each of the menu items based on a device that displays the web page or on a user of the device that displays the web page*'

Bayeh provides a server which receives unique client requests and routes specific queries to the proper data servlet. See column 10, lines 30-40.

'*a dynamic menu-item style information creation unit configured to select, from the all-menu-item style information, style information items corresponding to the menu items, the necessity of display for which is defined by the menu-item display information, to create dynamic menu-item style information including the style information items; and*'

Bayeh provides a method of servlet chaining for the retrieving of data and style information related to a unique user's request. See column 11, lines 1-67.

'*a menu-item information creation unit configured to apply the dynamic menu-item style information to the all-menu-item information to create the menu items to be included in the web page*'

Bayeh provides a rendering servlet which parses the XML data stream and looks for predefined strings. As the parser in the rendering servlet determines what each document element is, it creates a new data stream, formatted using HTML. The parser may also insert presentation style attributes into the HTML data stream. The HTML data stream is sent to the client's browser and included in a web page. See column 11 and 12, lines 1-67.

Response to Arguments

10.   Applicant's arguments with respect to claims 1, 4, 10, 11, 23, 51, 53, 55, and 57 have been considered but are not persuasive.

Applicant amended the language of the independent claims, numbered 1 and 51. Thus, the changes required the examiner to withdraw the rejection under Bayeh and provide a new rejection under Watson. More specifically, the following changes 'menu item identifying an operation that is performed as a result of selecting the menu item', required a new search by the examiner and thus changed the scope of the invention when read as a whole.

In reference to claim 57, applicant argues that the reference to Bayeh fails to teach or suggest 'create a web page having menu items corresponding to functions of the external device' and 'menu items corresponding to functions of the external device, the external device including a multi-function peripheral system'. The examiner broadly interpreted the phrase 'functions of the external device', as presently claimed, to mean any type of function associated with a user device. A browser would have been a proficient example of a something that provides usable functions (software to process and present search queries). These functions are typically combined in what is referred to as a browser. The computer will receive the message, attempt to find the data satisfying the user's request, format that data for display with the user's browser, and return the formatted information to the browser interface running on the user's computer. See column 2, lines 21-36.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-

4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
2178

ML